

Notice of Allowability

Application No.

10/718,754

Examiner

Phillip A. Johnston

Applicant(s)

LYONS ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8-25-2005.
2. ☒ The allowed claim(s) is/are 6,12,14 and 20-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Detailed Action

1. This Office Action is submitted in response to the Amendment filed 8-25-2005, wherein claim 6 has been amended and claims 1-5,7-8,13,15,16, and 19 have been canceled. Claims 6,9-12,14,17 and 18 are pending.

Examiners Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Koenck on 11-16-2005. The changes to the claims are made as follows;

Claims 9-11,17 and 18 are canceled

New claims 20-25 are added as follows;

–20. (New) The bulk material irradiation system of claim 6, wherein the bulk material comprises fresh ground meat.

21. (New) The bulk material irradiation system of claim 20, further comprising a velocity measurement system for determining an actual rate of ground meat movement through the plurality of bulk material tubes and adjusting an irradiation dose provided by the irradiation assembly based on the determined rate.

22. (New) The bulk material irradiation system of claim 12, wherein the bulk material comprises fresh ground meat.

23. (New) The bulk material irradiation system of claim 22, further comprising a velocity measurement system for determining an actual rate of ground meat movement through the bulk material tube and adjusting an irradiation dose provided by the irradiation assembly based on the determined rate.

24. (New) The bulk material irradiation system of claim 14, wherein the bulk material comprises fresh ground meat.

25. (New) The bulk material irradiation system of claim 24, further comprising a velocity measurement system for determining an actual rate of ground meat movement through the bulk material tube and adjusting an irradiation dose provided by the irradiation assembly based on the determined rate. —

Allowable Subject Matter

3. Claims 6,12,14, and 20-25 are allowed

Examiner's statement of reasons for allowance

The following is an examiner's statement of reasons for allowance:

4. Claims 6,12, and 14 are allowed because prior art fails to show;

A bulk material irradiation system having an input for inserting bulk material, and three bulk material tube configurations including; (a) A plurality of bulk material tubes each offset from adjacent tubes in an alternating pattern, connected to the input and forming paths for bulk material flow; (b) A bulk material tube that is elliptical in shape

and has a wall with a thickness that is thicker around edge portions of the bulk material tube than around a central portion of the bulk material tube; and (c) A bulk material tube that has an outer wall that is rectangular in shape and an inner wall that is elliptical in shape, a region between the outer wall and the inner wall including a liquid with an irradiation absorption characteristic that approximately matches an irradiation absorption characteristic of the bulk material in the bulk material tube.

A bulk material irradiation system that also includes: a pumping assembly connected to the above bulk material tube configurations, for forcing the bulk material to advance through the bulk material tubes; an irradiation assembly providing ionizing radiation that penetrates a full thickness of the bulk material in the bulk material tubes to irradiate the bulk material passing adjacent to the irradiation assembly in the bulk material tubes; and an output for irradiated bulk material to exit the bulk material tubes.

5. Claims 20-25 are allowed by virtue of their dependency upon allowed claims 6, 12, and 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications should be directed to Phillip Johnston whose telephone number is (571) 272-2475. The examiner can normally be reached on Monday-Friday from 6:30 am to 3:00 pm. If attempts to

reach the examiner by telephone are unsuccessful, the examiners supervisor John Lee can be reached at (571) 272-2477. The fax phone number for the organization where the application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJ
November 17, 2005



NIKITA WELLS
PRIMARY EXAMINER

11/18/05